



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten Signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,274	12/28/2001	Ge Peng	PENG	9455
545	7590	05/07/2004	EXAMINER	
ANTHONY H. HANDAL KIRKPATRICK & LOCKHART, LLP 599 LEXINGTON AVENUE 31ST FLOOR NEW YORK, NY 10022-6030			LAUCHMAN, LAYLA G	
		ART UNIT	PAPER NUMBER	
		2877		
DATE MAILED: 05/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/034,274	PENG ET AL.
	Examiner	Art Unit
	L. G. Lauchman	2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 and 25-32 is/are pending in the application.
4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/13/2002.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

Election/Restrictions

Claims 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper filed 2/20/2004.

Drawings

New corrected drawings are required in this application because the current drawings are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claim 27 objected to because of the following informalities: The claim should be dependent on Claim 25, since Claim 24 is withdrawn. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 7-11, 25-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vezard (US 5,581,356).

Vezard teaches a forensic light source comprising (see Fig. 1):

- (a) a housing 12;
- (b) a light source 18 in the housing;
- (c) a power supply 14 coupled to the light source, the light source having a light output;
- (d) a first filter member 50 comprising a plurality of first filters 48 (see col. 4, lines 15-15, 40-42) for producing filtered light output and transmitting the filtered light output;
- (e) a second filter support member 100 comprising a plurality of second filters 98 (see col. 4, lines 63-66) to receive said filtered light output and produce a twice filtered light output and transmit said twice filtered light output (see col. 5, lines 16-67, col. 6, lines 28-34, lines 54-63).

The patent does not specifically disclose that the filter members are adjustably mounted on said housing. Both filter members 50 and 100 are positioned inside of the housing. However, It would have been obvious to one of ordinary skill in the art at the

time of the invention to place the filter members on the said housing in order to make the forensic light source more compact and sufficient.

As to the handle configured to be held by one hand and the filter members being positioned to be adjusted by the thumb of the hand, it would have been obvious to one skilled in the art to make the forensic light of Vezard of a handheld size in order to facilitate scanning of crime scenes.

The patent does not specifically teach the housing being shock resistant, the power supply being an external transformer, and a 100 watt bulb light source. However, all that is merely obvious matter of design choice selected on the basis of its suitability for the intended use.

As to a hole which does not contain a filter to allow unfiltered light to pass, the patent teaches that the wheel does not have two open slots for that purpose (see col. 5, lines 57-64).

The first and second filter members of the patent are band pass filters arranged such that their wavelengths are alternately placed on the said first and second wheel. (see col. 5 and 6).

The patent does not specifically disclose a third filter wheel having a plurality of band rejected filters. However, it would have been obvious to one skilled in the art to use more than two filter wheels in the system arrangement of Vezard, since it would provide an increased number of filters, which would increase narrow bandpass filtering.

Claims 3-6, 12-21, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vezard (US 5,581,356) as applied to claim 1 above, and further in view of Vezard et al (US 5,515,162).

As to Claims 3-6, the patent '356 teaches everything as applied to Claim 1. The patent 5,515,162 teaches a forensic light source having a fan 44 and openings 16 and 34 for air intake and air exhaust. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the forensic light of the patent '356 with the fan and the openings as taught by the patent '162, since the fan of the patent 162 would provide the forensic light source of the patent '356 with improved ventilation system to avoid overheating of the light source. The forensic light of the patent' 356 also includes focusing optics 22 (see Fig. 2) and a reflective member 24 coupled to the light source (col. 3, lines 49-56).

As to Claims 12-14, the patents '356 and '162 teach everything as applied to Claim 3. The patents do not specifically disclose a power control switch turning the fan on and off independently or simultaneously with the light source. However, the existence of a power switch of the fans 44 and 94 is inherent, therefore it would have been an obvious matter of design choice to have the switch to perform the above mentioned function in order to save energy of the power supply of the forensic light source.

As to Claims 15-21, 30, 31, 32, the patent '356 teaches a forensic light source, comprising:

- (a) a housing 12;

- (b) a light source 18 in the housing;
- (d) a power supply 14 coupled to the light source, the light source having a light output;
- (f) at least one filter wheel 50 comprising a plurality of first filters 48 (see col. 4, lines 15-15, 40-42) for producing filtered light output and transmitting the filtered light output, said filter being mounted for rotation;
- (g) focusing optics 22 (see Fig. 2);
- (h) a reflective member 24 coupled to the light source (see col. 3, line 53).

The patent does not specifically teach:

- (c) a fan;
- (e) a power control switch, and the housing comprising a shock resistant support and a handle, the power supply being external.

The patent '162 teaches a forensic light source having a fan 44 and openings 16 and 34 for air intake and air exhaust. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the forensic light of the patent '356 with the fan and the openings as taught by the patent '162, since the fan of the patent 162 would provide the forensic light source of the patent '356 with improved ventilation system to avoid overheating of the light source. The existence of a power switch of the fans 44 and 94 is inherent, therefore it would have been an obvious matter of design choice to have the switch to perform the above mentioned function in order to save energy of the power supply of the forensic light source.

As to the handle configured to be held by one hand and the filter members being positioned to be adjusted by the thumb of the hand, it would have been obvious to one skilled in the art to make the forensic light of the patent '356 of a handheld size in order to facilitate scanning of crime scenes.

As to the power supply being an external battery pack or transformer, all that is merely obvious matter of design choice selected on the basis of its suitability for the intended use.

Conclusion

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703) 872-9306.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

- a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and
- b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (571) 272-2418.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (571) 272-1562.



L. G. Lauchman
Patent Examiner
Art Unit 2877
May 2, 2004